

# Exhibit 05

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

NIKE, INC.,  
Plaintiff,  
  
V. Civil Action No.:  
1:22-cv-00983-VEC  
  
STOCKX LLC,  
Defendant.

\*\*\*\*\*  
ORAL AND VIDEOTAPED DEPOSITION OF  
STEVEN McNEW  
AUGUST 8, 2023  
\*\*\*\*\*

ORAL AND VIDEOTAPED DEPOSITION of  
STEVEN McNEW, produced as a witness at the  
instance of the Defendants, and duly sworn,  
was taken in the above-styled and numbered  
cause on August 8, 2023, from 9:10 a.m. to  
5:40 p.m., before Mendy A. Schneider, CSR,  
RPR, in and for the State of Texas, recorded  
by machine shorthand, at the offices of  
DLA PIPER, 845 Texas Avenue, Suite 3800,  
Houston, Texas, pursuant to the Federal Rules  
of Civil Procedure and the provisions stated  
on the record or attached hereto; that the  
deposition shall be read and signed.

<p style="text-align: right;">Page 2</p> <p>1 APPEARANCES</p> <p>2</p> <p>3 FOR THE PLAINTIFF:</p> <p>4 MICHAEL FLUHR (Real-time)</p> <p>5 DLA PIPER</p> <p>6 555 Mission Street, Suite 2400</p> <p>7 San Francisco, California 94105-2933</p> <p>8 415.615.6011</p> <p>9 michael.fluhr@dlapiper.com</p> <p>10</p> <p>11 FOR THE DEFENDANT:</p> <p>12 CHRISTOPHER FORD (Real-time)</p> <p>13 KATHRYN SABA</p> <p>14 DEBEVOISE &amp; PLIMPTON</p> <p>15 650 California Street</p> <p>16 San Francisco, California 94108</p> <p>17 415.738.5705</p> <p>18 csford@debevoise.com</p> <p>19 ksaba@debevoise.com</p> <p>20</p> <p>21 ALSO PRESENT:</p> <p>22 CYNTHIA JOSEPH, The Videographer</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 4</p> <p>1 EXHIBIT INDEX (CONTINUED) PAGE</p> <p>2 McNEW EXHIBIT NO. 11 216</p> <p>3 Printout</p> <p>4 McNEW EXHIBIT NO. 12 223</p> <p>5 Message from a consumer to RTFKT,</p> <p>6 Bates Nike 0062693</p> <p>7 McNEW EXHIBIT NO. 13 225</p> <p>8 Discord Chat Printout</p> <p>9 McNEW EXHIBIT NO. 14 245</p> <p>10 URL Wayback Machine from</p> <p>11 February 5, 2023</p> <p>12 McNEW EXHIBIT NO. 15 256</p> <p>13 Article</p> <p>14 McNEW EXHIBIT NO. 16 259</p> <p>15 Bates No. STX0094175</p> <p>16 McNEW EXHIBIT NO. 15 344</p> <p>17 Kominers Expert Report</p> <p>18 McNEW EXHIBIT NO. 18 363</p> <p>19 Tucker Expert Report</p> <p>20</p> <p>21 (REPORTER'S NOTE: All quotations from</p> <p>22 exhibits are reflected in the manner in which</p> <p>23 they were read into the record and do not</p> <p>24 necessarily denote an exact quote from the</p> <p>25 document.)</p>
<p style="text-align: right;">Page 3</p> <p>1 EXAMINATION INDEX</p> <p>2 WITNESS: STEVEN MCNEW</p> <p>3 EXAMINATION PAGE</p> <p>4 BY MR. FORD 6</p> <p>5 SIGNATURE REQUESTED 371</p> <p>6 REPORTER'S CERTIFICATION 372</p> <p>7 EXHIBIT INDEX</p> <p>8 PAGE</p> <p>9 McNEW EXHIBIT NO. 1 9</p> <p>10 Expert Report</p> <p>11 McNEW EXHIBIT NO. 2 10</p> <p>12 Rebuttal Report</p> <p>13 McNEW EXHIBIT NO. 3 24</p> <p>14 Decompiled code for the StockX</p> <p>15 smart Vault NFT contract</p> <p>16 McNEW EXHIBIT NO. 4 33</p> <p>17 Nike Air smart code document</p> <p>18 unverified</p> <p>19 McNEW EXHIBIT NO. 5 39</p> <p>20 JSON text file, Bates No. Nike</p> <p>21 0005663</p> <p>22 McNEW EXHIBIT NO. 6 72</p> <p>23 Glossary of Terms</p> <p>24 McNEW EXHIBIT NO. 7 75</p> <p>25 Screenshot</p> <p>McNEW EXHIBIT NO. 8 135</p> <p>Document referred to in Page 12 of</p> <p>report, Bates STX 0283867</p> <p>McNEW EXHIBIT NO. 9 137</p> <p>NFT's "Collect What 's Next" page,</p> <p>Bates Nike 0000244</p> <p>McNEW EXHIBIT NO. 10 189</p> <p>Bates No. STX0019820</p>	<p style="text-align: right;">Page 5</p> <p>1 THE VIDEOGRAPHER: Good</p> <p>2 morning. We're going on the record at</p> <p>3 9:10. Today is August the 8th, 2023.</p> <p>4 Please note that the</p> <p>5 microphones are sensitive and may pick 09:10:55</p> <p>6 up whispering and private</p> <p>7 conversation. Please mute your phones</p> <p>8 at this time.</p> <p>9 This is the Media Unit 1</p> <p>10 video-recorded deposition of Steve 09:11:04</p> <p>11 McNew, taken in the matter of Nike,</p> <p>12 Inc., versus StockX LLC.</p> <p>13 The location of the deposition</p> <p>14 is 845 Texas Avenue, Suite 3800,</p> <p>15 Houston, Texas 77002. 09:11:18</p> <p>16 My name is Cynthia Joseph,</p> <p>17 representing Veritext as the</p> <p>18 videographer. The court reporter is</p> <p>19 Mendy Schneider, also representing</p> <p>20 Veritext. 09:11:28</p> <p>21 I am not related to any party</p> <p>22 in this action, nor financially</p> <p>23 interested in its outcome.</p> <p>24 If there is any objections to</p> <p>25 proceeding, please state them at the 09:11:34</p>

<p style="text-align: right;">Page 6</p> <p>1 time of your appearance.</p> <p>2 Will counsel and all present</p> <p>3 state their appearance and affiliation</p> <p>4 for the record, beginning with the</p> <p>5 noticing attorney. 09:11:42</p> <p>6 MR. FORD: Christopher Ford</p> <p>7 from Debevoise &amp; Plimpton representing</p> <p>8 defendant StockX; and I'm joined by my</p> <p>9 colleague, Kathryn Saba.</p> <p>10 MR. FLUHR: Michael Fluhr from 09:11:52</p> <p>11 DLA Piper on behalf of plaintiff Nike;</p> <p>12 and I'm joined by my colleague, Jared</p> <p>13 Greenfield.</p> <p>14 THE VIDEOGRAPHER: Thank you.</p> <p>15 Will the court reporter please 09:12:01</p> <p>16 swear in our witness.</p> <p>17 STEVEN McNEW,</p> <p>18 having been first duly sworn, testified as</p> <p>19 follows:</p> <p>20 E X A M I N A T I O N 09:12:11</p> <p>21 BY MR. FORD:</p> <p>22 Q. Good morning, Mr. McNew. How</p> <p>23 are you?</p> <p>24 A. Good morning. Doing well,</p> <p>25 thanks. 09:12:17</p>	<p style="text-align: right;">Page 8</p> <p>1 A. I don't recall at the time if I</p> <p>2 knew that it was filed or not. They reached</p> <p>3 out asking about my qualifications and</p> <p>4 expertise relative to the -- the NFT sector.</p> <p>5 Q. And who was it that reached 09:13:12</p> <p>6 out?</p> <p>7 A. Someone at DLA Piper. I'm not</p> <p>8 sure exactly who the specific person is.</p> <p>9 Q. And at that time did you</p> <p>10 understand that you were being retained to 09:13:20</p> <p>11 provide an expert opinion in this case?</p> <p>12 A. So, initially, it was just to</p> <p>13 understand my qualifications. I think that</p> <p>14 evolved into a conversation around whether I</p> <p>15 would be comfortable looking at the facts in 09:13:32</p> <p>16 this case and making -- forming some opinions</p> <p>17 about what happened.</p> <p>18 Q. And when did that evolution</p> <p>19 take place?</p> <p>20 A. It was a series of -- of 09:13:40</p> <p>21 months. I don't know. Five or six months, I</p> <p>22 suppose.</p> <p>23 Q. So by last fall you understood</p> <p>24 that you were being asked to evaluate the</p> <p>25 facts in this case and offer opinions. 09:13:49</p>
<p style="text-align: right;">Page 7</p> <p>1 Q. You've been deposed before; is</p> <p>2 that right?</p> <p>3 A. Yes, sir.</p> <p>4 Q. Okay. Is there any reason you</p> <p>5 can't testify completely and truthfully 09:12:21</p> <p>6 today?</p> <p>7 A. No reason.</p> <p>8 Q. We're going to go for most of</p> <p>9 the day, I imagine. If at any point you need</p> <p>10 to take a break, please just let me know. 09:12:30</p> <p>11 I'd only ask that you not ask for a break</p> <p>12 while a question is pending. And we'll work</p> <p>13 that out unless you have to speak to counsel</p> <p>14 for any reason.</p> <p>15 Does that make sense? 09:12:40</p> <p>16 A. Makes sense.</p> <p>17 Q. When were you first contacted</p> <p>18 in connection with this matter?</p> <p>19 A. I believe it was February or</p> <p>20 March of last year. 09:12:48</p> <p>21 Q. February or March of 2022?</p> <p>22 A. Yes, sir.</p> <p>23 Q. Had -- were you aware as to</p> <p>24 whether the lawsuit in this action had been</p> <p>25 filed as of the time you were contacted? 09:12:58</p>	<p style="text-align: right;">Page 9</p> <p>1 Is that about fair to say?</p> <p>2 A. That's roughly fair.</p> <p>3 Q. Did you have any conversations</p> <p>4 with DLA prior to being asked to form</p> <p>5 opinions in this case about the facts of the 09:14:01</p> <p>6 case?</p> <p>7 A. No. I think I was provided a</p> <p>8 complaint and asked to review and discuss</p> <p>9 potentially my involvement in the case.</p> <p>10 Q. How many times before this case 09:14:13</p> <p>11 have you worked with DLA Piper?</p> <p>12 A. I don't think any.</p> <p>13 Q. Have you ever previously worked</p> <p>14 for Nike?</p> <p>15 A. No. 09:14:26</p> <p>16 Q. Let's start with marking --</p> <p>17 just for ease of having this in front of</p> <p>18 everybody, I'll hand the court reporter a</p> <p>19 document to be marked as Exhibit 1.</p> <p>20 (Discussion off the record.) 09:14:43</p> <p>21 (Marked McNew Exhibit No. 1.)</p> <p>22 Q. (BY MR. FORD) Okay. I will</p> <p>23 mark a document as Exhibit 1. And I'll ask</p> <p>24 you to review and if you recognize this</p> <p>25 document. 09:14:52</p>

<p style="text-align: right;">Page 102</p> <p>1 does that certification have any other 2 significance to you? 3 A. It certainly lays out the 4 general approach to a crypto investigation 5 sort of methodology and things like that, but 11:01:18 6 it is predominantly related to crypto 7 investigations or investigations of digital 8 assets that are blockchain-based. 9 Q. And the investigations that 10 you'd be referring to are -- are these that 11:01:28 11 you talked about in terms of theft abuse, 12 using mixers, things like that. 13 A. Sure. Could be really broad, 14 though. There are a number of NFT 15 investigations that I'm involved in that 11:01:39 16 include illicit funds finding their way into 17 purchases of NFTs and sort of identifying 18 where are those NFTs, what are the value of 19 those NFTs, how might we claw those back if 20 that's possible. 11:01:51 21 So it spans smart contracts 22 more broadly, NFTs, cryptocurrencies, and so 23 on. 24 Q. Do you have any expertise in 25 NFT product design? 11:02:00</p>	<p style="text-align: right;">Page 104</p> <p>1 are consumers who see that NFT as something 2 more than ticketing. They see it as sort of 3 its own product, and they issue tickets to 4 events and venues on a repetitive ongoing 5 basis. And so there's a lot more effort into 11:03:22 6 wrapping those NFTs with other sorts of 7 benefits and perks that are really only 8 limited by the imagination and technical 9 capability of -- of the offering. 10 But in that platform, you know, 11:03:33 11 we mint for an average client, you know, 12 150,000 NFTs a month. Manage that entire 13 process inside of FTI on our data centers. 14 So I -- I wouldn't say that I 15 have experience specifically engineering 11:03:46 16 blockchain applications, but certainly have 17 designed, built, and launched them. 18 Q. (BY MR. FORD) And just so I 19 understand, when you say "ticketing" 20 throughout that answer, what do you mean? 11:03:57 21 A. Ticketing in that context is 22 concerts and event ticketing across a 23 multitude of venues and geographies. 24 Q. So -- so using an NFT to gain 25 access to an event of some kind? 11:04:10</p>
<p style="text-align: right;">Page 103</p> <p>1 MR. FLUHR: Objection. 2 A. That seems super subjective. 3 We -- we do at FTI operate -- have built and 4 operate an NFT platform that we offer to 5 clients as a managed service. It really 11:02:16 6 serves the function of issuing NFTs for 7 purposes of ticketing and then in some cases 8 an extension to loyalty programs. 9 So that's a product that we've 10 built in-house at FTI at my direction, and 11:02:29 11 it's under my direction on a daily basis. We 12 offer that as a managed service to consumers. 13 Typically there are two classes of consumers. 14 There are small consumers who 15 lack the blockchain or the NFT expertise to 11:02:44 16 do this on their own and retain us to do it 17 for them, but really just as a means of 18 ticketing, right. So their primary goal is 19 to capture revenue on ticket -- secondary 20 market sales. 11:02:59 21 So by having a smart contract, 22 it essentially gives royalties back to the 23 issuer on the secondary market, they're able 24 to achieve that goal. 25 The second class of consumer 11:03:08</p>	<p style="text-align: right;">Page 105</p> <p>1 A. Right. Two -- two different 2 use cases. In the first use case exactly 3 that, right? So very little care is put into 4 design of the image, for example. 5 There are no perks and benefits 11:04:23 6 or anything like that. It's really a simple 7 redemption NFT that once redeemed for a 8 particular seat at a particular venue is 9 removed and -- and vanishes and no longer 10 exists. 11:04:35 11 In the other use case, it's 12 really about an issuer that is looking to 13 build fan loyalty, and therefore might add 14 things like, you know, early access to an 15 event next time or discounts on merchandise 11:04:50 16 and things like that. 17 But, yes, in both cases one of 18 the functionality is access to that specific 19 ticket. 20 Q. And you said "this platform." 11:05:00 21 Does this platform have a name? 22 Might just be easier. 23 A. No. 24 Q. Okay. 25 A. No. 11:05:05</p>

<p style="text-align: right;">Page 110</p> <p>1 Q. Okay. Did -- did DLA instruct 2 you in any way regarding that?</p> <p>3 A. No.</p> <p>4 Q. Did you receive advice from any 5 counsel outside of the in-house lawyer at FTI 11:08:30 6 on that topic? Without disclosing the 7 substance of that advice, just yes or no.</p> <p>8 A. I -- I did not. I don't know 9 whether in-house counsel consulted outside 10 counsel. 11:08:42</p> <p>11 Q. That's fine. 12 Do you personally -- are you 13 personally involved in the marketing or sale 14 of this NFT minting platform that we were 15 talking about -- sorry, let me rephrase 11:08:58 16 because I understand it's sort of -- sale is 17 sort of a tricky word. Let me try again.</p> <p>18 Are you personally involved in 19 marketing the NFT minting platform to 20 prospective customers? 11:09:10</p> <p>21 A. So we have a marketing team 22 that I would say does the marketing. Do I 23 talk to clients about this as a potential 24 solution to a potential problem? Yes.</p> <p>25 Q. Are you involved in the -- once 11:09:22</p>	<p style="text-align: right;">Page 112</p> <p>1 director who would get assigned as sort of 2 the project manager to oversee the day-to-day 3 engagement.</p> <p>4 The engineering team would 5 tweak and adjust anything required for 11:10:34 6 delivery successfully of that particular 7 engagement and we'd monitor those ongoing 8 results, I suppose, at a fairly high level.</p> <p>9 Q. Do you get involved in the 10 customers' marketing of their resulting NFTs? 11:10:47</p> <p>11 A. No. So there's no like private 12 label or product offering here that they 13 would market and talk about. This is really 14 a business function that they ask us to 15 perform on their behalf, whether that be 11:11:07 16 minting for simple ticket use or minting and 17 building out a more broad NFT platform.</p> <p>18 Q. Do you get involved in the 19 customer's pricing around their resulting 20 NFTs? 11:11:23</p> <p>21 A. No.</p> <p>22 Q. Have you ever done any work to 23 analyze price formation for NFT projects?</p> <p>24 MR. FLUHR: Objection.</p> <p>25 A. Not clear on the term "price 11:11:37</p>
<p style="text-align: right;">Page 111</p> <p>1 a customer signs on to this service, are you 2 involved in the day-to-day management of that 3 relationship?</p> <p>4 A. Yes. I try to do that as 5 little as possible, but yes. 11:09:35</p> <p>6 Q. Seniority has its privileges. 7 What does the day-to-day 8 management of those relationships involve?</p> <p>9 A. So we typically assign a team 10 to those clients. There is a phase of 11:09:47 11 understanding what the client has, how they 12 operate, what they do.</p> <p>13 We hired a gentleman from 14 McKinsey that leads that particular work 15 stream for us. So he's routinely involved 11:10:01 16 and understanding that client workflow, 17 understanding their technologies and desired 18 ROI.</p> <p>19 Once we have that, we figure 20 out how to map their platforms and their 11:10:12 21 workflows to what we have and do that in the 22 most harmonious way so that we're not 23 replacing technology that's essential to 24 their business.</p> <p>25 There is typically a managing 11:10:24</p>	<p style="text-align: right;">Page 113</p> <p>1 formation." I --</p> <p>2 Q. (BY MR. FORD) Maybe it's a 3 little easier, we can start there.</p> <p>4 Do you have any understanding 5 what the term "price formation" means? 11:11:46</p> <p>6 A. Not specifically price 7 formation as a term, no.</p> <p>8 Q. Okay. Have you done any work 9 to analyze prices of NFTs as they're traded 10 after initial issuance? 11:11:57</p> <p>11 A. So let me answer this a little 12 bit differently and see if it answers your 13 question.</p> <p>14 I am routinely -- I say 15 routinely. I have been often retained to 11:12:04 16 value either a company that is an NFT 17 platform, a company that owns an NFT platform 18 or a specific NFT, but that's a little bit 19 different, right. It's placing a value on 20 either the company, the project, or a 11:12:21 21 specific asset.</p> <p>22 Q. More enterprise valuation than 23 commodity or product valuation?</p> <p>24 MR. FLUHR: Objection.</p> <p>25 A. So, again, not an economist. 11:12:29</p>

<p style="text-align: right;">Page 114</p> <p>1 Aren't terms I'm particularly familiar with.  2 It's really helping a company determine their  3 value for purposes of acquisition or  4 fundraising who might be an NFT platform  5 provider or interact significantly with NFTs 11:12:46  6 as sort of one-use case.  7 The second, not evaluate -- not  8 placing a value on the company but rather  9 a -- a set of NFT assets as a collection in  10 formatting -- formulating a value to that or 11:13:01  11 on a specific individual NFT and placing a --  12 a value on that.  13 Q. (BY MR. FORD) And am I --  14 well, let me just ask: Is the process of  15 valuing a specific individual NFT different 11:13:14  16 than the process that you would do to value a  17 collection of NFTs?  18 A. There are differences, yes. So  19 the way I think of it is at an NFT level,  20 there's less to evaluate; at a project, 11:13:27  21 slightly more; at a company, even more.  22 Q. What steps do you take when  23 you're asked to value a specific individual  24 NFT to arrive at a result?  25 A. So a ton of data collection. 11:13:41</p>	<p style="text-align: right;">Page 116</p> <p>1 the owner rights to that particular venue on  2 that particular day and particular seat. But  3 once that concert is over, they're no longer  4 promoting for that same artist or that same  5 company. 11:15:02  6 And so there's no need for that  7 NFT to serve any other purpose. It's really  8 just as a redemption to that particular venue  9 date and seat, so to speak.  10 So in that case, I think the 11:15:12  11 comment I made about imagery is that the  12 image is pretty crude. Clients typically  13 don't want to spend money on that. They  14 typically say, look, I just want a QR code  15 and maybe some text that says it's, you know, 11:15:23  16 this venue, this date, this seat, and so on.  17 The parallel I was drawing or  18 the contrast that I was drawing is that in  19 cases where clients have an ongoing need for  20 that consumer to purchase and provide -- 11:15:37  21 purchase services on an ongoing basis, that  22 in those instances it becomes more of an NFT  23 project, right, where now the incentive is  24 give them a memorabilia versus just a ticket  25 location or a seat location. 11:15:56</p>
<p style="text-align: right;">Page 115</p> <p>1 As you might imagine, a lot of that is  2 related to its trading history, trading  3 patterns, identifying comparables,  4 understanding the project, what is the  5 utility of the project, what do consumers 11:13:55  6 find attractive about that or collectible  7 about that, how unique is that individual  8 token, what are the characteristics of it  9 that make it unique, does it compare in any  10 way to other any other token. 11:14:06  11 So there's a whole multitude of  12 variables that come into that sort of  13 valuation that ultimately drive an opinion  14 about what we think or I think that  15 particular value is. 11:14:18  16 Q. Going back to the two different  17 categories of tickets that your project  18 mints, you noted that in some cases, there is  19 imagery that is designed to be associated  20 with the NFT; is that right? 11:14:33  21 A. So I would say they're images  22 associated with either. There's a difference  23 between those two. So for some of our  24 clients, they see -- they -- they have a need  25 to offer tickets as a form of entry that give 11:14:47</p>	<p style="text-align: right;">Page 117</p> <p>1 And so there's a lot more care  2 put into the design of that art. There's a  3 lot more care put into how to keep those  4 clients engaged, how to keep them on the  5 platform, how to keep them interacting, how 11:16:06  6 to reward and incentivize them to be part of  7 that particular community.  8 So those were the two examples  9 that I had used.  10 Q. And are you involved in the 11:16:14  11 design of the imagery in either of those two  12 circumstances?  13 A. So if by design, you mean  14 literally crafting that image, no. It is  15 typically helping a client understand what 11:16:27  16 attributes might be needed, necessary, and  17 what those costs might be.  18 In some cases they do all of  19 that design themselves. We certainly have  20 graphic designers, but in many cases 11:16:38  21 that's -- we help with design choice. They  22 implement the design.  23 MR. FORD: I think we've been  24 going for about another hour, so why  25 don't we take a break here, if that 11:16:58</p>



<p style="text-align: right;">Page 118</p> <p>1 works for...</p> <p>2 THE VIDEOGRAPHER: We are going</p> <p>3 off the record. The time is 11:17.</p> <p>4 (Break from 11:17 a.m. to 11:29 a.m.)</p> <p>5 THE VIDEOGRAPHER: We are back 11:29:11</p> <p>6 on the record. The time is 11:29.</p> <p>7 Q. (BY MR. FORD) Before the break</p> <p>8 we were discussing the blockchain as a</p> <p>9 service program, and we were discussing a lot</p> <p>10 about NFTs used as tickets. 11:29:25</p> <p>11 Are there any other use cases</p> <p>12 for NFTs that the blockchain as a service</p> <p>13 that you offer is used for?</p> <p>14 A. No. Our blockchain as a</p> <p>15 service is used for non-NFT capability, so 11:29:44</p> <p>16 top use cases include blockchain-based</p> <p>17 solutions for tokenizing carbon credits in an</p> <p>18 ESG need, as well as blockchain for other use</p> <p>19 cases that are more business oriented, not</p> <p>20 NFT specific. 11:30:01</p> <p>21 Q. Actually, I wasn't attempting</p> <p>22 to make a trick question there, so maybe I</p> <p>23 was just using the wrong term.</p> <p>24 When you were discussing the</p> <p>25 use cases for the NFT minting service that 11:30:11</p>	<p style="text-align: right;">Page 120</p> <p>1 And then smart contract audits</p> <p>2 and assessments, our team does. So I've led</p> <p>3 more than 50 engagements assessing and</p> <p>4 auditing smart contracts for a variety of use</p> <p>5 cases, so lots of other use cases in the 11:31:24</p> <p>6 broader consulting and investigations</p> <p>7 perspective.</p> <p>8 But in terms of the service</p> <p>9 where we're offering technology and minting</p> <p>10 NFTs, the blockchain as a service for 11:31:33</p> <p>11 ticketing specifically is the only one.</p> <p>12 Q. And have you advised in terms</p> <p>13 of the consulting work you were talking</p> <p>14 about, any companies that are using NFTs as</p> <p>15 record of ownership of physical goods? 11:31:53</p> <p>16 A. Yes. I -- I guess I'm hesitant</p> <p>17 because that's a really broad term. I think</p> <p>18 of all NFTs as generally being in whole or in</p> <p>19 part representative of some ownership. So,</p> <p>20 yes, I think all of my work would qualify 11:32:12</p> <p>21 there.</p> <p>22 Q. Well, I'm not -- I'm not just</p> <p>23 talking about the record of ownership part.</p> <p>24 So, you know, for example, if we go back to</p> <p>25 your report on Page 5, right, you provide a 11:32:21</p>
<p style="text-align: right;">Page 119</p> <p>1 you offer, you were talking a lot about</p> <p>2 tickets.</p> <p>3 Are there other use cases other</p> <p>4 than tickets that you're involved with or</p> <p>5 that the service provides? 11:30:22</p> <p>6 A. So two -- two different</p> <p>7 questions, I think. In terms of the</p> <p>8 blockchain as a service, the NFT ticketing</p> <p>9 platform is distinct and specific to that.</p> <p>10 I am involved in lots of other 11:30:33</p> <p>11 NFT projects that don't involve our</p> <p>12 blockchain as a service or our NFT ticketing</p> <p>13 platform.</p> <p>14 Q. Okay. So just so that I</p> <p>15 understand, and maybe this is very simple, 11:30:44</p> <p>16 but other than the NFT ticketing platform, is</p> <p>17 there any other NFT creation service that you</p> <p>18 work on or offer?</p> <p>19 A. Not an NFT creation service,</p> <p>20 no. The other work that I do, for example, 11:30:59</p> <p>21 are around consulting and advice to</p> <p>22 companies, Fortune 500s, platforms in the</p> <p>23 space, creators, innovators, who are looking</p> <p>24 to do something with NFT, so that's pure</p> <p>25 advisory in nature. 11:31:14</p>	<p style="text-align: right;">Page 121</p> <p>1 number of different things that NFTs can</p> <p>2 represent ownership of and you distinguish</p> <p>3 between physical assets such as real estate</p> <p>4 and fine art and more digitally native</p> <p>5 products. 11:32:38</p> <p>6 Is that fair?</p> <p>7 A. Correct.</p> <p>8 Q. Okay. So are there companies</p> <p>9 that you have advised in the course of your</p> <p>10 work that are using NFTs to represent 11:32:46</p> <p>11 ownership of physical assets as you describe</p> <p>12 in your report?</p> <p>13 A. Digital assets, certainly. I'd</p> <p>14 have to really double-check on the physical</p> <p>15 asset side specifically. 11:33:05</p> <p>16 Q. Sitting here today, can you</p> <p>17 recall any?</p> <p>18 A. None immediately come to mind.</p> <p>19 Sorry, the hesitation is just, there are a</p> <p>20 lot of clients over a long period of time, 11:33:17</p> <p>21 and I'm trying to recall specifically, but I</p> <p>22 can't think of any off the top of my head.</p> <p>23 Q. Okay. So here I notice that in</p> <p>24 the discussion of digitally native products</p> <p>25 you included a couple of examples, profile 11:33:46</p>



Page 370

1 UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

2 NIKE, INC., |  
3 Plaintiff, |  
4 V. | Civil Action No.:  
| 1:22-cv-00983-VEC

5 STOCKX LLC, |  
Defendant. |

6

7 THE STATE OF \_\_\_\_\_:  
COUNTY OF \_\_\_\_\_:

8

9 I, MENDY A. SCHNEIDER, a Certified Shorthand  
10 Reporter in and for the State of Texas, do  
11 hereby certify that the facts as stated by me  
12 in the caption hereto are true; that the  
13 above and foregoing answers of the witness,  
14 STEVEN McNEW, to the interrogatories as  
15 indicated were made before me by the said  
16 witness after being first duly sworn to  
17 testify the truth, and same were reduced to  
18 typewriting under my direction; that the  
19 above and foregoing deposition as set forth  
20 in typewriting is a full, true, and correct  
21 transcript of the proceedings had at the time  
22 of taking of said deposition.

23 I further certify that I am not, in any  
24 capacity, a regular employee of the party in  
25 whose behalf this deposition is taken, nor in

Page 371

1 the regular employ of this attorney; and I  
2 certify that I am not interested in the  
3 cause, nor of kin or counsel to either of the  
4 parties.

5 That the amount of time used by  
6 each party at the deposition is as follows:  
7 MR. FORD - 06:34:00

8

9

10 GIVEN UNDER MY HAND AND SEAL OF OFFICE,  
on this, the 10th of August, 2023.

11 *Mendy Schneider*

12 \_\_\_\_\_  
MENDY A. SCHNEIDER, CSR, RPR  
13 Certification No.: 7761  
Expiration Date: 1-31-2025

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Page 372

1 Michael Fluhr, Esq.  
2 michael.fluhr@dlapiper.com  
3 August 10, 2023  
4 RE: Nike, Inc. v. Stockx, LLC  
5 8/8/2023, Steven McNew (#6001093)  
6 The above-referenced transcript is available for  
7 review.  
8 Within the applicable timeframe, the witness should  
9 read the testimony to verify its accuracy. If there are  
10 any changes, the witness should note those with the  
11 reason, on the attached Errata Sheet.  
12 The witness should sign the Acknowledgment of  
13 Deponent and Errata and return to the deposing attorney.  
14 Copies should be sent to all counsel, and to Veritext at  
15 cs-ny@veritext.com

16

17 Return completed errata within 30 days from  
18 receipt of testimony.

19 If the witness fails to do so within the time  
20 allotted, the transcript may be used as if signed.

21

22 Yours,  
23 Veritext Legal Solutions  
24  
25

Page 373

1 Nike, Inc. v. Stockx, LLC  
2 Steven McNew (#6001093)  
3 E R R A T A S H E E T  
4 PAGE\_\_\_\_ LINE\_\_\_\_ CHANGE\_\_\_\_\_  
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24 Steven McNew Date \_\_\_\_\_  
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